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ORDINANCE NO. 3731

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY REPEALING AND REENACTING CHAPTER 17.60 PROPERTY PERFORMANCE STANDARDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, Chapter 17.60 establishes performance standards regarding the use of property within the City's zoning districts; and

WHEREAS, public hearings were held before the Edmonds Planning Board and the Edmonds City Council; and

WHEREAS, based upon the recommendations of the Planning Board, input from public hearings, materials received by the City Council and the record before it, the City Council finds it to be in the public interest to amend the performance standards in order to better address issues including but not limited to the storage of vehicles such as recreational vehicles in residential zones; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code, Chapter 17.60 relating to Property Performance Standards is hereby repealed and reenacted in order to read as follows:

Chapter 17.60

PROPERTY PERFORMANCE STANDARDS

Sections:

- 17.60.000 Purpose.**
- 17.60.010 Proof of compliance.**
- 17.60.020 Applicability.**
- 17.60.030 Standards.**
- 17.60.040 Vehicles in residential zones**
- 17.60.050 Habitation uses prohibited**

17.60.000 Purpose.

The purpose of this chapter is to impose reasonable limits on property performance standards the amount of noise, dust, vibration and other similar emissions produced by a use which are evident at the exterior boundaries of the site of the use.

17.60.010 Proof of compliance.

If the city has a reasonable doubt that a business or use is, or can be, conducted within the limits of the performance standards of this chapter, it may require that the user or proposed user retain, at his expense, an independent, qualified, testing laboratory to make an analysis of the use to determine its compliance with the standards and to make the results of such analysis available to the city. In the event the analysis discloses existing or impending non-compliances, the city shall require the user or proposed user to either institute remedial measures to bring the use into compliance or to cease operation.

17.60.020 Applicability.

The standards of this chapter apply to all uses. However, they do not apply to unusual and isolated incidents, as determined by the development services director.

17.60.030 Standards.

A. Noise. Noise emanating from any use shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and where a use is within or adjoins a residential district, the noise loudness measured at the boundary line shall not exceed 45 decibels between the hours of 11:30 p.m. and 6:00 a.m., and 60 decibels at other hours.

B. Lighting. External lights shall be shielded, trained or directed in a manner which minimizes glare onto adjacent property or passing traffic. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property. Any lighting on a sports field or court shall be turned off by an automatically timed mechanism no later than 10:15 p.m. Field or court lighting fixtures shall minimize scattering of light beyond the field or court being illuminated.

C. Fire Hazards. In terms of fire and safety hazards, the storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire chief, the laws of the state and other local ordinances.

D. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interferences occasioned by mechanical, electrical, electronic and nuclear equipment, uses or processes with electrical apparatus in nearby buildings or land uses.

E. Odors, Gases. The emission of obnoxious odors of any kind shall not be permitted nor the emission of any toxic or corrosive fumes or gases. Dust created by a use shall not be exhausted or wasted directly into the atmosphere.

F. Particulate Matter. Emissions shall comply with the requirements of the state Department of Ecology as set forth in Chapter 173-400 WAC

G. Waste Disposal. Liquid and solid waste, storage of animal or vegetable waste which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line.

H. Open Storage.

1. All open storage shall be located in either the side or rear yard and screened by a solid fence or vegetative barrier at least five feet in height.

I. Vibration. Vibration shall not exceed three thousandths of one inch displacement applied to the frequency range of zero to 5,000 cycles per second, as measured at any point on the boundary of the property from which the vibration is produced.

17.60.040 Vehicles in residential zones

A. No more than five motor vehicles shall be parked on a residential lot. Each motor vehicle must be currently licensed and operable.

1. Exemptions.

a. If more than five licensed drivers reside at the same address, an additional motor vehicle for each licensed driver over five may be parked at that particular address; however, each licensed driver must have that particular address on his or her license.

b. This regulation does not apply to:

i. Motor vehicles parked in the front yard or inside of a lawfully permitted and constructed building or screened behind a solid fence or vegetative barrier at least five feet in height;

ii. Temporary parking for a duration not to exceed seventy-two hours;

iii. Apartment or other complex with an approved building and parking plan;

iv. Permitted construction areas; or

v. Motorcycles or mopeds.

B. No more than two recreational vehicles of any kind may be parked outside an approved enclosed structure anywhere on a property. If the recreational vehicle cannot be stored as described in 17.60.040(D), or in a yard or the rear yard due to site constraints, the recreational vehicle shall be parked off-site during those extended times when not in use. Only one side yard may be used for storage of recreational vehicles. For the purposes of this chapter, "recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

C. Except for property specifically zoned for and licensed by the City of Edmonds for vehicle use, vehicle storage, repair, or sales, the operating of a vehicle-oriented business is prohibited.

D. An intact, appropriately licensed and operable vehicle may be parked or stored outside a structure in the manner provided below:

1. In a front yard;
2. In a side yard or rear yard; provided:

a. All vehicle parts and accessories, including but not limited to containers of oils and fluids, shall be stored in an approved structure and in compliance with all health regulations and provisions of state and federal law.

b. Servicing, repairing, assembling, wrecking, modifying, restoring or otherwise working on vehicles outside an enclosed structure on a property is prohibited unless meeting the following criteria:

i. The maintenance or repair shall not exceed thirty days in any twelve-month period and shall be of a vehicle registered to a resident of the property or family member.

ii. Such work shall be conducted on no more than one vehicle at any one time.

iii. Such work shall not be done in the public right-of-way.

iv. Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure or in an area which is screened from public view.

v. The repair is not in association with any business use, whether licensed or not, such as buying, selling, trading, repairing or restoring of vehicles or parts thereof, unless the property is zoned for and licensed by the City of Edmonds for such business;

vi. The repair is conducted in a manner which complies with all property performance standards and noise regulations;

vii. The repair is conducted in a manner to not allow any vehicle fluids to enter the ground or enter any drainage system or body of water.

viii. Disposal of all waste products shall be done in accordance with Chapter 19.114 RCW.

ix. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags, and equipment or material used in the work, and shall be left in such a condition that no hazard to persons, storm drain system or property shall remain. All hazardous waste shall be appropriately handled and disposed.

E. No vehicle shall be left unattended on blocks, jacks, ramps or otherwise elevated above the ground in an unstable manner.

F. The storage of any vehicle on any residentially zoned property which does not have a dwelling unit is prohibited unless the property is adjacent to a property with a dwelling unit owned by the same person. Vehicles shall be registered to that specific dwelling unit.

G. Vehicles shall not intrude into the improved public right-of-way or obstruct sight visibility from adjacent driveways, private roads, or public right-of-ways.

H. Vehicles equipped with liquefied petroleum gas containers shall meet the standards of the Interstate Commerce Commission. Valves or gas containers shall be closed when the vehicle is parked or stored. In the event of leakage, immediate corrective action shall be taken.

I. Vehicles shall not exceed the length equal to one half of the required minimum lot width or 40 feet, whichever is less, in any residential zone district.

17.60.050 Habitation uses prohibited

No vehicle, recreation vehicle, or trailer shall be used for habitation within the boundaries of the City.

A. Exceptions. A recreational vehicle that is originally designed and used as temporary living quarters, may be occupied on private residential property for a period not to exceed 60 days in any

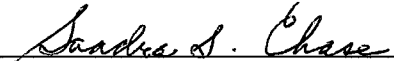
calendar year when the owner or user of the vehicle is a nonresident of the City visiting a resident.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	03/20/2009
PASSED BY THE CITY COUNCIL:	03/24/2009
PUBLISHED:	04/02/2009
EFFECTIVE DATE:	04/07/2009
ORDINANCE NO. <u>3731</u>	

SUMMARY OF ORDINANCE NO. 3731

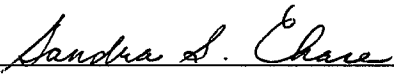
of the City of Edmonds, Washington

On the 24th day of March, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3731. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF THE EDMONDS COMMUNITY DEVELOPMENT CODE BY REPEALING AND REENACTING CHAPTER 17.60 PROPERTY PERFORMANCE STANDARDS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 24th day of March, 2009.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice



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The full text of this Ordinance will be mailed upon request.
DATED this 24th day of March, 2009.

CITY CLERK, SANDRA S. CHASE

Published: April 2, 2009.

Summary of Ordinance NO. 3731

Amending the provisions of the Edmonds Community Development

Code

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

April 02, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Skoll

Principal Clerk

Subscribed and sworn to before me this

2nd

day of

April, 2009

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

Account Name: City of Edmonds

Account Number: 101416

Number: 0001643226

